

# Order

Michigan Supreme Court  
Lansing, Michigan

December 12, 2014

Robert P. Young, Jr.,  
Chief Justice

149423

Michael F. Cavanagh  
Stephen J. Markman  
Mary Beth Kelly  
Brian K. Zahra  
Bridget M. McCormack  
David F. Viviano,  
Justices

PEOPLE OF THE STATE OF MICHIGAN,  
Plaintiff-Appellee,

v

SC: 149423  
COA: 313621  
Calhoun CC: 2012-000853-FH

GREGGORY LAMONT McNUTT,  
Defendant-Appellant.

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On order of the Court, the application for leave to appeal the April 15, 2014 judgment of the Court of Appeals is considered, and it is DENIED, because we are not persuaded that the questions presented should be reviewed by this Court. We note that, contrary to the Court of Appeals holding, trial counsel did not affirmatively waive the defendant's request for specific instructions by making a record that the judge had declined to give the instructions as requested and concluding his remarks with, "Thank you, Your Honor." Contrast *People v Kowalski*, 489 Mich 488, 504-505 (2011). However, we conclude that, regardless of whether the defendant waived review of the jury instructions, the instructions did not result in outcome-determinative error.



h1209

I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

December 12, 2014

  
Clerk